



DECLARATION FOR REISSUE PATENT APPLICATION BY THE ASSIGNEE

declare that:

1. My residence, mailing address, and citizenship are stated below my signature.
2. I am authorized to act on behalf of Lee Valley Tools Ltd., assignee of U.S. Patent No. 5,779,407 ("407 patent") entitled "Router Table Fence System," issued on July 14, 1998 to Edwin C. Tucker, Michael S. McGuire, Leonard G. Lee, and John S. Lynn ("patentees").
3. The title of my position with said assignee is President.
4. The entire title to the '407 patent is vested in said assignee.
5. I believe said patentees to be the original, first and joint inventors of the subject matter which is described and claimed in the '407 patent and for which a reissue patent is sought on the invention entitled "Router Table Fence System."
6. I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by the Preliminary Amendment submitted with the reissue application.
7. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

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I. STATEMENT OF INOPERABILITY OR INVALIDITY AND OCCURRENCE OF THE ERRORS

8. I verily believe the '407 patent, which matured from application Serial No. 08/791,818 ("the Application"), to be partly inoperative or invalid by reason of:
 - a. The patentees claiming more or less than patentees had the right to claim in the patent, specifically:
 - i. The '407 patent is partly inoperative or invalid by reason of a lack of antecedent basis for "the safety shield" recited in claim 17. Claim 17 has been amended to depend from claim 16, which provides antecedent basis for the "safety shield."
 - ii. The '407 patent is partly inoperative or invalid by reason of the number and scope of the claims in the '407 being insufficient to comprehensively cover the features of the invention. For example, claim 1 is partly inoperative or invalid because it fails to recite a top spar positioned substantially entirely above two bottom spars. This feature is fully supported by the specification, and thus Applicants had the right to claim such a feature. Claims 27-44, all dependent from claim 1, have been added during reissue to recite additional features of the router table fence not captured by the originally issued claims. For example, new claim 29 recites that the top spar of the fence is positioned substantially entirely above the two bottom spars of the fence, thereby curing claim 1's failure to recite such a feature.
 - b. A defective specification or drawing in that plastic end caps are shown and identified by number 41 in Figs. 1 and 2 of the '407 patent, but are indicated in the specification of the '407 patent (col. 3, lines 56-58) as not being shown in the figures. The specification thus fails to identify the structure referenced by number 41 in Figs. 1 and 2.

II. STATEMENT OF LACK OF DECEPTIVE INTENT

9. All errors which are being corrected in the present reissue application up to the time of filing of this declaration, which includes the errors corrected in the amendment, arose without any deceptive intention on the part of the applicants.

10. I hereby revoke all powers of attorney previously given, and hereby appoint the following attorneys to prosecute and transact all business in the Patent and Trademark Office connected therewith:

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11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Reissue Application for
U.S. Patent No. 5,779,407
Filed: January 30, 1997

section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.



Date: AUG 21 / 2003

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